

April 2, 1974

SENATOR CHAMBERS: What I want to make clear to the Body is that I'm not asking that LB933 be killed. I'm asking that it be amended. The purpose...now that constitutional provision that was adopted is not self-executing. It would take statutory language to make it effectual. The constitutional provision itself is defective. If you pass these bills in their present form, I could still go to court and have the provision in the state constitution declared invalid because it is what violates the federal constitution. All the Attorney General says is, that you can adopt a procedure whereby a petition candidate can get on the ballot to run for governor and lieutenant governor in this state. But that does not make the state constitutional provision square with the federal law. So what I'm saying is, that if this amendment is adopted and since we're going to delay the bills, I'll hope you understand what the amendment does. It strikes the language from the statute which says that the governor and lieutenant governor must run as a team. If you adopt this bill, in the amended version, everybody who has filed for governor will still run. Everybody who has filed for lieutenant governor will still run. Anybody who wants to file as a petition candidate can still file as a petition candidate. If somebody were to bring a lawsuit, I don't know what the theory would be. Anybody who wanted to file for the primary has already done so. Nobody was restricted. If anybody can file and get on the ballot by way of petition, there is no basis for a lawsuit because there is nothing in the statute to prohibit anybody from running for election. But if you adopt this bill in its present form, then it sets up a requirement which is affirmative. A requirement on a petition candidate which the Democrat and Republican candidates do not have to meet and therein lies the possibility of a successful lawsuit. If these laws...these bills are passed and they are challenged in federal court and I should happen to win the suit, do you know what that means? Everything that happened in the primary is thrown out. It is not a valid election. If you adopt the amended version of this bill that I'm offering, there is no basis for a lawsuit by anybody. I'm going to say it one more time. Everybody who currently is in the race will stay there. Anybody who wants to get into it by way of petition can get in. There is no basis for a lawsuit unless you adopt these bills without amendment.

PRESIDENT: Motion on the desk.

CLERK: Mr. President, I move to bracket LB933 and LB932 until tomorrow. Signed, Senator Fellman.

PRESIDENT: Senator Fellman.

SENATOR FELLMAN: I don't think there's much opposition. I would hope there isn't much opposition to this motion to lay this over for one day so everybody involved can understand the implications.

PRESIDENT: All right, I'm going to call for a vote on this as soon as whoever wants to speak....Senator Syas.

SENATOR SYAS: No, I just...I favor it and....

PRESIDENT: Well, we're on bracketing, now will you mind holding your comments as to whether we should bracket or not.

SENATOR SYAS: Well, it's on the bracketing. I do hope that everybody that's a candidate for any of these offices will go